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June 15, 2022

VIA ECF

The Honorable Joan M. Azrack
United States District Court Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

**RE: *Kurland v. Fireman's Fund Insurance Company,*
Civil Action No. 2:21-CV-06440 (JMA) (SIL)**

Dear Judge Azrack:

We represent Plaintiff Jason M. Kurland ("Mr. Kurland") in the above-referenced matter. As the Court may recall, this is an insurance coverage action in which Mr. Kurland seeks a judgment that Defendant Fireman's Fund Insurance Company ("Fireman's Fund," together with Mr. Kurland, the "Parties") must pay defense costs incurred by Mr. Kurland in the Underlying Action.¹

This issue is presently before the Court in a fully-briefed motion filed by Mr. Kurland seeking summary judgment on Fireman's Fund duty to defend him in the Underlying Action, and Fireman's Fund's cross-motion for summary judgment that it owes Mr. Kurland no defense. *See* ECF Nos. 20-22. Because the Underlying Action is scheduled to begin in less than a month – on July 11, 2022 – Mr. Kurland previously wrote to this Court on June 3, 2022, asking Your Honor to convert his motion for partial summary judgment into a motion for preliminary injunction. *See* ECF No. 24.²

Given the urgency of this matter, Mr. Kurland respectfully requests that this Court schedule an emergency conference as soon as possible to discuss the pending cross-motions and Mr.

¹ The term "Underlying Action" refers to the criminal action captioned *United States v. Chierchio, et al.*, No. 20 Cr. 306 (E.D.N.Y.), pending before the Honorable Nicholas J. Garaufis.

² Fireman's Fund timely responded to Mr. Kurland's letter on June 6, 2022. *See* ECF No. 25.

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Kurland's subsequent letter seeking to convert his summary judgment motion into a motion for a preliminary injunction. The Parties held a meet-and-confer on June 15, 2022, wherein Fireman's Fund advised that it does not oppose this request.

In the alternative, pursuant to Your Honor's Individual Rule IV.B., Mr. Kurland respectfully requests a pre-motion conference for leave to file a motion for preliminary injunction based on his June 3, 2022 letter, so that this matter may be expeditiously resolved before Mr. Kurland faces trial on July 11.

Mr. Kurland and his counsel are available to discuss this matter at the Court's convenience and by any means this Court deems expedient.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Bourne'.

Andrew N. Bourne

cc: All Counsel of Record (*via* ECF)